

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL CASE NO. 3:06cv316**

<b>VONCILLE O. STUKES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>O R D E R</u></b>
	)	
<b>MICHAEL CHERTOFF, Secretary,</b>	)	
<b>United States Department of</b>	)	
<b>Homeland Security,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 29] and the Defendant's Alternate Motion for Enlargement of Time to Respond to Plaintiff's Motion for Summary Judgment [Doc. 31].

The Plaintiff, proceeding *pro se*, brings this action against her former employer, alleging demotion, harassment, and "undesirable reassignment, work assignments, threats, intimidation, reprisal, disability, hostile work environment, unjustified negative evaluation, [and] significant change in employment status." [Amended Complaint, Doc. 12 at 3]. This case has a

convoluted procedural history, which was explained in exhaustive detail in the Court's prior Order of October 29, 2007 [Doc. 23] and will not be repeated here. Suffice it to say that in this prior Order [Doc. 23], the Court dismissed several of Plaintiff's claims upon motion by the Defendant, and the parties were ordered to proceed with an Initial Attorney's Conference (IAC). The parties complied with the Order and conducted an IAC, although the parties submitted competing Certificates of Initial Attorney's Conference. [Docs. 25 and 33]. Following the filing of the Certificates of IAC, Magistrate Judge Horn entered a Pretrial Order and Case Management Plan [Doc. 27], setting various deadlines in this case. Specifically, the parties were given until December 9, 2007 to exchange Rule 26(a)(1) disclosures. The deadline for the completion of discovery was set for July 7, 2008. [Id.].

On November 14, 2007, the same day that the Pretrial Order and Case Management Plan was entered, the Plaintiff filed the present Motion for Summary Judgment, accompanied with over 700 pages of exhibits, arguing that the Court should "issue a Summary Judgment in her favor." [Plaintiff's Motion for Summary Judgment, Doc. 29 at 7].

The Plaintiff's Motion for Summary Judgment is extremely premature. As the Supreme Court has noted, summary judgment is generally appropriate in a case only "after adequate time for discovery" has been had. Celotex Corp. v. Catrett, 477 U.S. 317, 322, 106 S.Ct. 2548, 2552, 91 L.Ed.2d 265 (1986). The Pretrial Order and Case Management Plan [Doc. 27] entered in this case on November 14, 2007 allows the parties until July 7, 2008 to complete discovery. It does not appear from the parties' filings that any discovery, with the exception perhaps of the most basic exchange of pretrial disclosures, has yet to occur in this case. Although there were administrative proceedings, resulting in a voluminous record upon which the Plaintiff extensively relies, the Defendant is entitled to review the administrative record and to conduct additional discovery in order to prepare a defense to the Plaintiff's action. Because the Defendant has not yet had adequate time for discovery, the Plaintiff's Motion for Summary Judgment [Doc. 29] must be denied at this time.

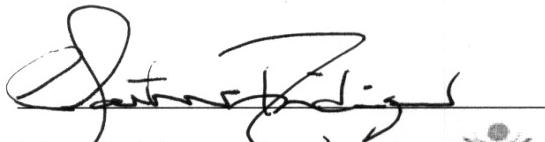
Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Summary Judgment [Doc. 29] is **DENIED WITHOUT**

**PREJUDICE** to the re-filing of the same upon the conclusion of the period for discovery in this case.<sup>1</sup>

**IT IS FURTHER ORDERED** that the Defendant's Alternate Motion for Enlargements of Time to Respond to Plaintiff's Motion for Summary Judgment [Doc. 31] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: May 7, 2008



Martin Reidinger  
United States District Judge



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<sup>1</sup>The Plaintiff is reminded that any future motions and supporting briefs must comply with the requirements set forth in Section III. C. of the Pretrial Order and Case Management Plan, and that any filing that fails to comply with these requirements is "subject to summary denial." [Pretrial Order and Case Management Plan, Doc. 27 at 6].